



## United States Department of the Interior

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IN REPLY REFER TO:  
FWS/AES-CIFO/

September 2, 2011

Col. Frederic A. Drummond, Jr.  
District Engineer  
U.S. Army Corps of Engineers  
Chicago District  
111 N. Canal Street, 6<sup>th</sup> floor  
Chicago, Illinois 60606-7206

Attention: Michael Machalek  
CELRC-TS-R

Dear Colonel Drummond, Jr.:

This responds to your Pre-Construction Notice (PCN) dated August 9, 2011 seeking comments on application #LRC-2010-00553 submitted by Elgin Community College (ECC). The applicant seeks authorization for a parking lot expansion project. The proposed activities are located in Elgin, Kane County, Illinois.

The applicant proposes to expand the existing parking lot as part of the West Parking Lot project. The proposed project would consist of the addition of 511 parking spaces, lighting, and associated stormwater management facilities. The applicant would permanently impact 0.51 acres of jurisdictional wetland. In addition, the applicant already filled 0.2 acres of jurisdictional wetland without authorization.

The applicant proposes to mitigate for impacts to wetlands at an offsite location in Gilberts, IL (Waitkus Park). The applicant proposes to mitigate at a 1.5:1 ratio for the 0.51 acres of impact, and a ratio of 5:1 is proposed for the unauthorized wetland impacts. Therefore, 1.77 acres of mitigation credit is being proposed. Both the impact area and the mitigation area are located within the Tyler Creek Watershed. Wetland bottom basins are proposed to treat stormwater runoff from the parking lot before the water is released into Wetland 10.

We have reviewed the information included in your PCN and in the applicant's submittal. According to the information provided, Wetlands 10 through 13 were delineated on March 20, 2010. The applicant's consultant, Wills Burke Kelsey Associates (WBK), also visited wetlands that were previously delineated on July 10, 2002. Based on the site visit, WBK considered the 2002 wetland report valid. WBK noted that Wetlands 12 and 13 were degraded

and did not appear to provide the same water quality functions as Wetland 10. Therefore, Wetlands 12 and 13 are not considered High Quality Aquatic Resources (HQARs).

Wetlands 10 through 13 are all part of Kane County ADID Wetland 1403, which is a High Functional Value wetland (and therefore a HQAR). The Kane County ADID map shows that ADID Wetland 1403 extends east, adjacent to the existing parking lot. The Kane County Soil Survey map shows that the soil type for the majority of Wetland 10 is Houghton muck, and the soil type in the area of impact is Drummer silty clay loam, both hydric soils. WBK's submittal notes that additional wetlands were delineated in 2010. However, there are no wetland or upland data points on the delineation maps, in the areas where the impacts are proposed to occur (or where the unauthorized activities occurred). Although Wetlands 12 and 13 may be degraded, they were considered part of wetland complex ADID Wetland 1403. In addition, ECC West Parking Lot Phase 1 Exhibits (1 and 2), show different wetland boundaries for the 2010 WBK delineation and a 2009 PRI delineation. The 2010 WBK boundary shows that additional wetland is present, east of Wetlands 10, 11 and 12, which indicates that additional wetland would be impacted.

We have reviewed the mitigation plan that was submitted to assess the adequacy of the proposed offsite mitigation site. The proposed site is located in an area that is identified as Kane County ADID Wetland 429, a High Functional Value wetland. The Service NWI maps also depict this area as wetland. The submittal notes that the area was excavated to build the adjacent residential developments and the area contains spoil materials, concrete, and other debris. The proposed area also apparently has a failing or limited septic system, which is associated with the residential developments.

The applicant proposes creation of aquatic habitat pools, rehabilitation of existing open water features, and establishment (creation) of wet mesic prairie as the primary methods of compensation. We have concerns with these wetland communities based on past mitigation projects. Based on past projects, where mitigation has failed, aquatic habitat pools have resulted in open water ponds which were devoid of vegetation (with the possible exception of possessing an emergent fringe). Proposed wet mesic prairie communities have resulted in mesic prairies which are on the drier end of the spectrum, and do not compensate for wetland impacts. We are also concerned about the possible lack of hydrology (e.g., insufficient hydrology for wet mesic prairies) due to information in the submittal that notes excavation is a priority because the ground water table is already low due to offsite drainage.

Finally, the mitigation plan indicates that the adjacent and larger wetland complex (ADID Wetland 429) has portions that are dominated by cattails and reed canary grass. These areas will be a source of invasive plant species and would make it difficult for the mitigation site to achieve the required performance standards. These above statements, concerning the mitigation plan, are just some of the reasons that we are concerned about the ecological sustainability and success of the proposed mitigation site.

Due to the lack of data for the areas proposed to be impacted and for the area of unauthorized impacts, we are uncertain of the extent of wetland impacts. To address the extent of wetland

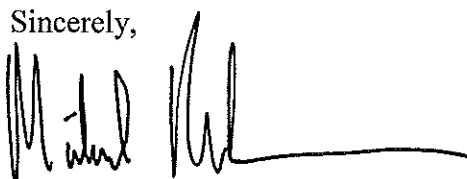
impacts, the protection of the remaining portions of ADID Wetland 1403, and the proposed offsite mitigation, we provide the following recommendations:

- The COE should require that sufficient information be provided to confirm the wetland boundaries of all wetlands in the proposed impact area. If additional wetland acreage is identified, then compensatory mitigation should be required.
- The applicant should mitigate for new wetland impacts at a 3:1 mitigation ratio. Wetlands 12 and 13 were identified as part of ADID Wetland 1403 and therefore, require a higher mitigation ratio than proposed. A 3:1 mitigation ratio is typical for impacts to High Functional Value ADID wetlands. As proposed, this would require 1.53 acres of mitigation credit for new impacts and 1.0 acres for after the fact mitigation for the previous non-permitted impacts, or a total of 2.53 acres of mitigation. If additional wetland impacts are identified, the mitigation credit amount would be higher.
- A 100 foot buffer should be required for all of the remaining wetlands, as required by the Regional Permit Program (RPP). If the required buffer cannot be provided, the COE should consider requiring an Individual Permit for the proposed project.
- All remaining wetlands and adjacent buffers should be permanently preserved and protected, as required by the RPP. This requirement would ensure protection of the remaining portions of ADID Wetland 1403, including the wetlands that were enhanced as part of the mitigation for previous ECC impacts.
- Best management practices (BMPs) should be incorporated into the project design to protect ADID Wetland 1403. The applicant should install bioswales into the parking lot islands to treat runoff before it enters the proposed wetland bottom basin. Oil and grit separators should be installed to minimize roadway pollutants from entering the wetland complex.
- For the reasons stated above, we recommend that the proposed offsite mitigation area not be used as compensatory mitigation. The applicant should consider alternative mitigation options, if the project is permitted, including but not limited to a COE approved mitigation bank.

This letter provides comment under the authority of, and in accordance with, the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852, as amended P.L. 91-190, 42 U.S.C. 4321 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act of 1973, as amended (87 Stat. 884. as amended; 16 U.S.C. 1531 *et seq.*).

If you have any questions, please contact Mr. Shawn Cirton at 847/381-2253, ext. 19.

Sincerely,

*AC*  
  
Louise Clemency  
Field Supervisor

cc: USEPA, Vincent